

Town of Milton
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Milton, DE 19968



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Milton Town Council Meeting
Monday, July 6, 2020

1. Call to Order- Mayor Kanakos called the meeting to order.
2. Roll Call:
Councilwoman Meredith
Councilman Cote
Councilman Garde
Vice Mayor Kelly
Mayor Kanakos
Councilman Fleetwood (joined regular session virtually)
3. Additions or Corrections to the Agenda-
No correction were made to the agenda.
4. Agenda Approval
Councilman Garde made a motion to approve the agenda as written, Councilman Cote second the motion. Motion carried 5-0
5. Executive Session:
Councilman Garde made a motion to go into executive session, seconded by Vice Mayor Kelly. Motion carried 5-0.
 - a. Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion would disclose the contents of such documents
 - b. Strategy sessions, involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body
 - c. Personnel matters in which the names and abilities of an individual employees are discussedCouncilman Garde made a motion to go back into regular session seconded by Vice Mayor Kelly. Motion carried 6-0.
6. Discussion and possible vote on Executive Session items
Councilman Garde made a motion to approve all aspects of the personnel issues discussed in executive session, Vice Mayor Kelly seconded the motion. Motion carried 6-0.
7. Moment of Silence

8. Pledge of Allegiance to the Flag
9. Promotional Recognition- Captain Harvey announced effective July 2, 2020 Officer Chavez-Rivera had been promoted to Patrolman First Class. PFC Chavez-Rivera has been an extremely active and proactive officer and recently received an award from the State of Delaware for Investigator of the Year for 2019 for agencies below ten officers.
10. Public Hearing related to Ordinance 2020-002 to amend Zoning Code amendment regarding Chapter 220 of the Town Code, entitled “Zoning,” creating the Mixed-Use Residential and Commercial (MURC) District and Revising the Definitions in Section 220-6.
There were no public comments regarding the proposed zoning code amendment. Councilman Garde made a motion to close the public hearing on Ordinance 2020-002, seconded by Vice Mayor Kelly. Motion carried 6-0.
11. Public Hearing related to Ordinance 2020-003 to amend Chapter 220 of the Town Code, Entitled “Zoning”, creating the Limited Light Industrial Use District (LLI-1)
There were no public comments regarding the proposed zoning code amendment. Councilman Garde made a motion to close the public hearing on Ordinance 2020-003, seconded by Vice Mayor Kelly. Motion carried 6-0.
12. Public Hearing related to Ordinance 2020-004 to amend Chapter 220 of the Town Code, Entitled “Zoning”, regarding the Marine Resources Use District (M-R)
Mrs. Wells asked Council to explain the Marine District and what it will be. Seth explained the current zoning code and the proposed language changes. He further explained this effects the current Marine Resources Use District located on Front Street, it does not add or changes any other districts. No other comments were received regarding the proposed zoning code amendment.
Councilman Garde made a motion to close the public hearing on Ordinance 2020-004, seconded by Vice Mayor Kelly. Motion carried 6-0.
13. Public Participation- There were no speakers during public participation.
14. Requests for removal of items from the Consent Agenda
Councilman Garde made a motion to accept written committee reports; two transcriptions of Planning & Zoning meetings dated January 21st and March 11th and accept the minutes of the Special Review Committee from March 19th and approve the balance of the consent agenda, seconded by Vice Mayor Kelly. Motion carried 6-0.
15. Approval of the Consent Agenda on the following items:
 - a. Written Committee Reports
 - b. Written Department Reports: Town Managers Report, including the Administrative, Code Enforcement, Police, Project Coordinator, and Public Works Department Reports
 - c. Finance Report, and Statement of Revenues and Expenditures for April and May 2020
 - d. Minutes: June 15, 2020
 - e. Executive Session Minutes: June 15, 2020
16. Discussion and possible vote on items removed from the Consent Agenda
No items were removed from the Consent Agenda.

17. Old Business- Discussion and possible vote on the following items:

- a. Resolution 2020-011 to ratify the vote by Town Council on June 15, 2020 to forward the annexation petition of Milton Attainable Housing, LLC for annexing six parcels located at the southwest corner of Broadkill Road and Country Road, said parcels identified as follows: 235-14.00-123.00 (24716 Broadkill Road), 235-14.00-123.01 (24700 Broadkill Road), 235-14.16-1.00, 235-14.16-2.00, 235-14.16-3.00, and 235-14.16-4.00; and for the proposed amendment to the Town comprehensive plan for the same parcels to Planning & Zoning for an advisory report.

Councilman Garde had one comment regarding the draft resolution as presented, in the paragraph stating “be it further resolved” that the petition is referred to the Planning & Zoning Commission he felt it was important to add “for an advisory option”. With that one addition, Councilman Garde made a motion to approve the Resolution 2020-011 as modified by the discussion. The motion was seconded by Vice Mayor Kelly. Roll call approved the motion 6-0.

18. New Business – Discussion and possible vote on the following items:

- a. Resolution 2020-013 to adopt the Sustainability Plan as a guide for the Town of Milton and to recognize the DNREC, SERCAP and the Sustainability Committee for its development and completion

Councilman Garde stated the draft resolution was not prepared yet but this was an important step in Council considering the Sustainability Plan that has been presented in draft form. The resolution should be prepared to adopt as a guide the plan that has been submitted to Council. It is also important that we recognize all the assistance we received in grants from SERCAP; in participation from DNREC and the work the Sustainability Committee has done in order to produce a document that can be used as a model for the small towns within Sussex County. The five spreadsheets in the back of the document; the population of action items on the spreadsheets is still being prepared. Councilman Garde made a motion to table Resolution 2020-013; seconded by Councilman Cote. Motion passed 6-0.

- b. Request from Fernmoor Homes at Heritage Creek for Town Council to approve final record plats for subdivision Phase Six

Project Coordinator, Tom Quass stated this is the final record plat; it has been approved by the Planning & Zoning Commission; he has also reviewed the documents and Council has received the letter of recommendation from Sharon Cruz of Pennoni Associates Inc. Decision was held regarding the dedication of the streets, final paving and punch list items. Mr. Thompson stated approving Phase six plats would create the parcels and allow the building of infrastructure to begin. Councilman Cote stated the parking requirements are less than what is existing in the Town code. Mr. Thompson explained Heritage Creek was an LPD and its possible their master plan already had a modified parking size which was done in approximately 2005. Councilman Garde made a motion to approve Fernmoor Homes request for final approval of plats for subdivision phase six as submitted, seconded by Councilwoman Meredith. Motion passed 6-0.

- c. Resolution 2020-012 to reschedule a public hearing on the application of Phoenix RHCS Holdings, LLC for rezoning of five parcels addressed as 423 Mulberry Street, 415 Mulberry Street, 413 Mulberry Street, 402 Reed Street, and 401 Reed Street, further identified as tax/map/parcels 235-14.19-31.00, 235-14.19-32.00, 235-14.19-

43.00, 235-14.19-39.01, and 235-14.19-42.00; and for the proposed amendment to the Town comprehensive plan for the same parcels

Mrs. Rogers stated in summary this is rescheduling the public hearing that was previously scheduled July 3rd to now be held on August 3rd. Mr. Thompson stated this was done at the request of the applicant.

Councilman Garde made a motion to approve Resolution 2020-012 as presented, seconded by Councilman Cote. Roll call vote approved the motion 6-0.

- d. Ordinance 2020-002 to amend Zoning Code amendment regarding Chapter 220 of the Town Code, entitled “Zoning,” creating the Mixed-Use Residential and Commercial (MURC) District and Revising the Definitions in Section 220-6.
Councilman Garde noted in exhibit G there were no areas identified under the exhibit coming in as the revised zoning. He would like to make a small addition to the intent A1, on the second line after the word suitable, he would prefer to insert a comma and insert the word sustainable in order to give additional creditability to the Sustainability Plan. One additional suggestion under permitted commercial uses, where it says “antiques stores” we add “antique and craft stores” which is currently allowed under C-1. Councilman Garde made another recommendation to conform it to C-1, R-1 and R-3 on page three under E3- Other: add “D- government uses” and delete item 21 under B which has “government uses”. Discussion was held on percentage of gross area and open area. Councilman Garde made a motion to approve Ordinance 2020-002 as presented in draft form with the two additions mentions (“sustainable” and “and craft”) as well as changing “Government Uses” from specially permitted uses to permitted use. Vice Mayor Kelly seconded the motion. Roll call vote approved the motion 6-0.
- e. Ordinance 2020-003 to amend Chapter 220 of the Town Code, Entitled “Zoning”, creating the Limited Light Industrial Use District (LLI-1)
Councilman Garde stated on page two under Intent-1, line two, he would like to change the word ‘and’ to “that are permitted”. Under permitted uses 1-D and under N change i.e. to e.g.; and on page 4 Site Plan Review, 2A 3, add landscaping placement around storm water management ponds. Regarding page 6 under Nuisance Control, Noise, Item C, measurable of 75 decibels beyond the property boundaries, he believes it should say 65 not 75. Councilman Garde would also like to add a paragraph if there is a conflict, the Town would abide by the more restrictive noise level, similar to the language in 148-15.
Councilwoman Meredith made a motion to table the ordinance, seconded by Councilman Garde. Roll call vote approved the motion to table. 6-0.
- f. Ordinance 2020-004 to amend Chapter 220 of the Town Code, Entitled “Zoning”, regarding the Marine Resources Use District (M-R)
Discussion was held on definitions within the ordinance. Councilman Garde made a motion to approve Ordinance 2020-004 as presented. The motion was seconded by Vice Mayor Kelly. Roll call vote approved the motion 6-0.
- g. Ordinance 2020-005 to amend Chapter 188 of the Town Code entitled “Subdivision of Land”, including retitling said chapter as “Subdivision and Land Development”
Councilman Garde stated this was a complex document and significantly different than the current ordinance. Discussion was held on various sections. Councilman Garde made a motion to table Ordinance 2020-005 and send it back to Planning & Zoning for discussion, seconded by Vice Mayor Kelly. Motion carried 6-0.

19. Adjournment

Councilwoman Meredith made a motion to adjourn, seconded by Councilman Garde. Motion carried 6-0.